## National Labor Relations Board Weekly Summary



# of NLRB Cases

Division of Information	Washington, D.C. 20570	Tel. (202) 273-1991
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#### CASES SUMMARIZED VISIT <u>WWW.NLRB.GOV</u> FOR FULL TEXT

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Laborers Local 6 (13-CD-781; 353 NLRB No. 62) Chicago, IL Dec. 12, 2008. This case involved a jurisdictional dispute under Section 10(k) of the Act. The work in dispute included "[a]ll unloading and handling of hardwood flooring materials located at 757 Orleans Street in Chicago, IL by the employees of Anderson Interiors, Inc." In concluding the Act applied, the Board rejected Laborers' contentions that it did not claim the work in dispute, that it did not engage in proscribed activity, and that there existed a voluntary method of adjustment. After reviewing the merits of the case, the Board awarded the work in dispute to employees of Anderson Interiors, who are represented by Chicago Regional Council of Carpenters, rather than employees represented by Laborers. The Board based its award on the following factors: collective-bargaining agreements, employer preference and past practice, area practice, relative skill and experience, and economy and efficiency of operations.

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(Chairman Schaumber and Member Liebman participated.)

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Matros Automated Electrical Construction Corp., BTZ Electrical Corp., Single Employers (2-CA-36296, et al.; 353 NLRB No. 61) New York, NY Dec. 8, 2008. The Board adopted the administrative law judge's following unfair labor practice findings. Respondent Matros Automated Electrical Construction Corp. (Matros) violated Section 8(a)(1) of the Act by (a) coercively interrogating employees about their support for IBEW Local 3; (b) promising employees promotions and other benefits to dissuade them from voting for IBEW Local 3; (c) telling employees that even if IBEW Local 3 won the election, Matros would never sign a contract with that union; and (d) threatening employees that it would shut down the business if IBEW Local 3 won the election. Matros violated Section 8(a)(3) and (1) by discharging two employees and withholding raises and retroactive payments from three employees because of their support for IBEW Local 3. Matros violated Section 8(a)(2) and (1) by giving illegal assistance to Local 363, United Electrical Workers of America (UEW Local 363). Matros also violated Section 8(a)(2) and (1) by recognizing UEW Local 363 at a time when IBEW Local 3's election objections were pending. Matros further violated Section 8(a)(3) and (1) by entering into a collective-bargaining agreement with UEW Local 363 containing union-security and duescheckoff clauses; and UEW Local 363 violated Section 8(b)(1)(A) and (2) by accepting recognition from Matros and entering into that same agreement. Because the agreement was unlawful, UEW Local 363 also violated Section 8(b)(1)(A) by threatening an employee that the union-security clause would be enforced against him if he refused to sign a union membership card. [HTML] [PDF]

The Board affirmed the judge's dismissal of an allegation that Matros violated Section 8(a)(3) and (1) by maintaining a members-only contract with UFCW Local 174 and its successor Local 342, providing wages and benefits to Matros electricians but not to electricians employed by BTZ Electrical Corp. (BTZ), a stipulated single employer with Matros, because Matros' bargaining history with UFCW Locals 174 and 342 had *de facto* created two separate units, and the acquiescence of UFCW Locals 174 and 342 in this arrangement was a defense to the allegation of discriminatory motive.

Because UFCW Locals 174 and 342 acquiesced in the exclusion of BTZ electricians from the Matros unit, and citing *G.M. Trimming, Inc.*, 279 NLRB 890, 897-898 (1986), the Board reversed the judge's finding that BTZ violated Section 8(a)(2) and (1) by recognizing UEW Local 363, and Section 8(a)(3) and (1) by entering into a collective-bargaining agreement with UEW Local 363 containing union-security and dues-checkoff clauses. The Board also reversed the judge's finding that UEW Local 363 violated Section 8(b)(1)(A) and (2) by accepting recognition from BTZ and entering into that same agreement because the complaint did not allege these violations.

(Chairman Schaumber and Member Liebman participated.)

Charges filed by Electrical Workers [IBEW] Locals 363 and 3, and Individuals; complaint alleged violations of Section 8(a)(1), (2), and (3). Hearing at New York on various days from March 6 to June 8, 2006. Adm. Law Judge Raymond P. Green issued his decision Sept. 1, 2006.

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#### LIST OF DECISIONS OF ADMINISTRATIVE LAW JUDGES

*The New York Presbyterian Hospital* (New York State Nurses Assn.) New York, NY Dec. 8, 2008. 2-CA-38512; JD(NY)-43-08, Judge Raymond P. Green.

Norton Healthcare, Inc. d/b/a Norton Audubon Hospital (California Nurses Assn.) Louisville, KY Dec. 12, 2008. 9-CA-44236, 44323; JD-63-08, Judge Ira Sandron.

PPG Aerospace Industries, Inc. (Auto Workers) Huntsville, AL Dec. 12, 2008. 10-CA-36530, 10-RC-15611; JD(ATL)-43-08, Judge Lawrence W. Cullen.

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### LIST OF UNPUBLISHED BOARD DECISIONS AND ORDERS IN REPRESENTATION CASES

(In the following cases, the Board denied requests for review of Decisions and Directions of Elections (D&DE) and Decisions and Orders (D&O) of Regional Directors)

Exxonmobil Chemical Co., a Division of Exxon Mobil Corp., Baton Rouge, LA, 15-UC-158, 15-RC-8758, Dec. 11, 2008 (Chairman Schaumber and Member Liebman)

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#### Miscellaneous Board Decisions and Orders

## CERTIFICATION OF REPRESENTATIVE AS BONA FIDE UNDER SECTION 7(B) OF THE FAIR LABOR STANDARDS ACT OF 1938

Massena Memorial Hospital, Massena, NY, 3-WH-1, Dec. 12, 2008 Massena Memorial Hospital, Massena, NY, 3-WH-2, Dec. 12, 2008

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